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FILED
2007 OCT 18 PM 3:41
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY ______ DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY FAX

DAVID SINGLETARY, Plaintiff, vs. RITALBEN, INC., a California Corporation, DBA CICCIOTTIS TRATTORIA ITALIANA and SEAFOOD; GAETANO CICCIOTTI, And DOES 1 through 100, inclusive Defendant	Case No.: '07 CV 2022 JM WMc (SDSC Case #: 37-2007-55367-CU-CR-NC) ANSWER OF RITALBEN, INC. and GAETANO CICCIOTTI

Defendants, Ritalben, Inc. and Gaetano Cicciotti, erroneously sued as Gaetan Cicciotti, answer the Complaint:

1. Ritalben, Inc. and Gaetano Cicciotti ["Defendants"] allege they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Complaint.

2. Defendants admit the allegations of paragraph 2.

3. Defendants allege they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 of the Complaint.

4. Paragraph 4 of the Complaint contains conclusions of law which require no response. To the extent that the paragraph contains factual allegations Defendants allege they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the Complaint.

5. Defendants allege they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Complaint.

6. Defendants allege they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the Complaint.

7. Defendants allege they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the Complaint.

8. Paragraph 8 of the Complaint contains conclusions of law which require no response. To the extent that the paragraph contains factual allegations Defendants allege they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 of the Complaint.

9. Paragraph 9 of the Complaint contains conclusions of law which require no response. To the extent that the paragraph contains factual allegations Defendants allege they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 of the Complaint.

10. Paragraph 10 of the Complaint contains conclusions of law which require no response. To the extent that the paragraph contains factual allegations Defendants allege they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 10 of the Complaint.

11. Defendants deny the allegations of paragraph 11.

12. Paragraph 12 of the Complaint contains conclusions of law which require no response. To the extent that the paragraph contains factual allegations Defendants allege they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 of the Complaint.

13. Paragraph 13 of the Complaint contains conclusions of law which require no response. To the extent that the paragraph contains factual allegations Defendants allege they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 13 of the Complaint.

FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

The Complaint and each of its claims are barred by the applicable statutes of limitations.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's Complaint, and each cause of action therein, is barred, in whole or in part, by the doctrine of unclean hands.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred under Cal. Code Civ. Proc. §430.10(f) on the ground that the allegations are uncertain, ambiguous and unintelligible.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff has not suffered, and will not suffer, any irreparable harm based on the allegations in the Complaint.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff's claims fail to state facts sufficient to support an award of attorney's fees.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred because Plaintiff's requests for damages are speculative and uncertain.

PRAYER

WHEREFORE, Defendants pray judgment:

1. That Plaintiff takes nothing by this action;
2. For Defendant's costs of this suit;
3. For Defendant's attorneys' fees; and
4. For all other appropriate relief.

Dated: October 18, 2007

LAW OFFICES OF DARRELL PALMER
Darrell Palmer, Attorneys for Defendants

Re: Singletary v. Ritalben, Inc., et. al.
Case No.:

DECLARATION OF SERVICE
STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

I, MICHELLE MELTON, declare as follows:

I am employed with the Law Offices of Darrell Palmer whose address is 603 N Hwy 101, Ste A, Solana Beach, CA 92075. I am readily familiar with the business practices of this office for collection and processing of correspondence for mailing with the United States Postal Service; I am over the age of eighteen (18) and I am not a party to this action.

On October 18, 2007, I caused to be served the following:

ANSWER OF RITALBEN, INC. AND GAETANO CICCIOTTI

on the interested parties:

M. Eric Parkan, Esq.
Center for Disability Access, LLP
100 E. San Marcos Blvd., Suite 400
San Marcos, CA 92069-2988

___ by placing a copy in a separate envelope addressed to each addressee as indicated below and personally delivering it to the above named persons.

_____ by sending a copy via overnight mail. Airbill No. ___________.

__X__ by placing a copy in a separate envelope, with postage fully prepaid, for each address named on the attached service list for collection and mailing on the above indicated day following the ordinary business practices of our offices

_____ by sending a copy via facsimile transmission to the facsimile number(s) indicated below. The facsimile machine I used complied with California Rules of Court, Rule 2003, and no error was reported by machine. Pursuant to California Rules of Court, Rule 2006(d), I caused the machine to print a transmission record of the transmission, a copy of which is attached to this declaration.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Solana Beach, California.

Michelle M. Melton